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PAGE 03/03

1 I, Heather Flick, declare as follows:

2 1. I am an attorney licensed to practice law before all courts of the State of California,
3 including the United States District Court for the Northern District of California, and am a
4 principal of the Flick Group, counsel along with Joseph Ehrlich of Losch & Ehrlich for non-party
5 Robert Pochowski. Except for matters asserted on information and belief, which I am informed
6 and believe to be true, I make this declaration of my personal knowledge and, if called as a
7 witness, I could and would testify competently to the facts set forth herein.

8 2. On or about July 20, 2007, I had a telephone conversation with John W. Fowler and
9 Mindy M. Morton, counsel for Verigy US, Inc. ("Verigy"), which subsequently became a plaintiff
10 in the above-captioned action. We agreed that Verigy and Mr. Pochowski had a common interest
11 adverse in legal matters adverse to Romi Mayder, who subsequently became a defendant in this
12 action. We further agreed that communications between Verigy and/or its counsel and Mr.
13 Pochowski and/or his counsel would remain confidential. To my knowledge, we have continued
14 to treat as confidential and subject to the attorney-client privilege and/or work product doctrine, as
15 appropriate, all such communications.

16 3. We specifically agreed that Verigy's counsel could communicate directly with Mr.
17 Pochowski even without his counsel and that such communications would remain confidential. To
18 my knowledge, we have continued to treat as confidential and subject to the attorney-client
19 privilege and/or work product doctrine, as appropriate, all such communications.

20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct and that this declaration was executed this 9th day of September,
22 2008 at San Francisco, California.

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24 
25 Heather Flick
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